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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,360	05/27/1999	MICHAEL F. GUHEEN	AND1P101	6371

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MERCHANT & GOULD P C
POST OFFICE BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 12/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

H-G

Office Action Summary

Application No.

09/321,360

Applicant(s)

Guheen, et al.

Examiner

Akiba Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Oct 15, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 20) ☐ Other:

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The tables on pages 26-38 do not meet margin requirements.

Appropriate correction is required.

Drawings

2. The corrected or substitute drawings were received on 10/15/01. These drawings are accepted as informal drawings by the examiner.

Information Disclosure Statement

3. The information disclosure statement filed 10/15/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. 37 CFR 1.98 requires that each US application listed in an information disclosure statement must be identified by the inventor, application number, and filing date ~~§~~ 37 CFR 1.98 (b)(3)). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining

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compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5, 7, 10, 11, 13, 16, 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rassman, et al (US Patent 4,937,743) as discussed in paragraph #4, paper #7.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3, 6, 9, 12, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman, et al (US Patent 4,937,743) as applied to claims 1, 7 and 13 above, and further in view of Turnbull (US Patent 5,208,765) as discussed in paragraph #6, paper #7.

Response to Arguments

8. As per claims 1-6, the 35 U.S.C. 101 rejection has been withdrawn by the examiner.

9. Applicant's arguments filed 10/15/01 have been fully considered but they are not persuasive.

As per independent claims 1, 7 and 13, the applicant argues that Rassman, et al concerns the scheduling of interrelated resources using a computer system, however fails to disclose the steps of presenting sets of components to be delivered in a first phase and a second phase. However, Rassman, et al does disclose this feature. In Fig. 7, Rassman, et al shows a first, second and third phase of Project Y. Here, the display shows that Project Y uses Resource 123 and 223 for Phase One and Two and Resource 224 for Phase Three. Here, the examiner is interpreting the "Resources" of Rassman, et al as the components of the present invention. In addition, the applicant also argues that Rassman, et al fails to teach a "a first set of components...by indicia coding...and presenting a second set of components...by indicia coding the same in a manner unique with respect to the indicia coding of the first set of components", but instead displays the sequential scheduling of resources using a vertical time line rather than using indicia coding. However, the Rassman, et al reference clearly states in the abstract that "Indicia

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can be made to appear on the display to provide visual identification of symbols as well as information about scheduling, status and conflicts involving the resources". Also, in Fig. 7, indicia C-6, C-7 and C-8 are used to represent resource conflicts (See Col. 14, lines 21-24).

As per claims 2-6, 8-12 and 14-18, these claims are dependent on independent claims 1, 7 and 13 respectively and are rejected for the same reasons with respect to claims 1, 7 and 13.

As per claims 2, 8, and 14, the applicant argues that Rassman, et al uses indicia coding to identify periods of scheduling conflict, but not to identify phases of delivery of components. However, in Rassman, et al, a resource is analogous to a component of the present invention. As described above, the indicia coding is used to represent resource conflicts which is a phase of delivery of the resource because during this time of conflict, a resource can not be used concurrently with another, thereby affecting the delivery of the resource.

As per claims 3, 9, 15, the applicant argues that neither Rassman, et al or Turnbull disclose presenting a set of components including operation services or developer services that are to be delivered in a first phase by indicia coding. However, the combination of these two references teaches this limitation. First, Turnbull discloses a system for monitoring product development where each stage and its requirements are capable of being visually displayed along with indicium for indicating the status. Turnbull also discloses in Fig. 7A that during stage 1 of product development, requirements such as design review (analogous to developer services of the present invention) and Product Performance Plan (analogous to operational services of the present invention). In addition, as explained above, Rassman, et al discloses the presentation of a

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first phase by indicia coding. The combination of these two references are valid because both teach the monitoring, management and presentation of resources and the different stages they go through.

As per claims 6, 12 and 18, the applicant argues that both Rassman, et al and Turnbull fail to teach presenting a first set of components, including web components that are to be delivered in a first phase by indicia coding. However, claims 6, 12 and 18 of the present invention recite “wherein the existing system is a web architecture framework”. This does not imply that web components that are to be delivered are presented by indicia coding, but instead implies that the system in which the invention takes place has a framework with a web architecture. Turnbull does teach that his invention operates on a world wide-area network (See Col. 2, lines 39-46) which does have a web architecture. In addition, web components are none other than resources and as discussed above in the preceding paragraphs, Rassman, et al discloses the presentation of resources in a first phase by indicia coding. Therefore, the combination of Rassman, et al and Turnbull disclose claims 6, 12 and 18. In addition, as described above, the combination of these two references are valid because both teach the monitoring, management and presentation of resources and the different stages they go through.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.


An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2163

December 19, 2001


Kyle Choi
Patent Examiner
Art Unit 2163